

Please amend the application by entering the accompanying substitute sheets of drawings in replacement of those attached to the application as filed.

REMARKS

In the Office Action of April 24, 2002, the drawings corrections were approved. Applicants respectfully request that FIGS 1-3 as filed, be replaced with the enclosed amended FIGS 1-3. In view of these corrections to the informal drawings, it is respectfully submitted that the drawings are no longer objectionable for the reasons cited in the original Office Action.

Claims 1-10, 12-20, and 22-29 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 1-10, 12-20, and 22-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,311,042 B1 (hereinafter DeSchrijver) in view of U.S. Patent 6,317,831 B1 (hereinafter King). It is respectfully submitted that DeSchrijver and King individually or combined fail to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 1 and 7 of the present application are independent claims drawn to a wireless provisioning device. Both claims feature a wireless provisioning device with an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device, such that a user of a mobile computing device can connect to the wireless provisioning device without having to first access the internet. Applicants respectfully restate its premise from the previous response, namely, that a device differs from a system, at minimum, by the fact that the functional parts of a device are not dispersed in several different locations, like system parts may be, but rather are all housed resident in a certain location.

DeSchrijver is directed to a system while claims 1, 7 of the present application, and those claims dependent thereon, are directed to

a device. Contrary to the examiners contention, DeSchrijver does not provide a chassis, at least one network card, at least one wireless card, at least one processor; and an operating system (OS) operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis. In fact, as described at column 6 lines 3-30, the system described in the DeSchrijver patent performs authentication at a database 68, which is a location separate and distinct from that of the server where the operating system resides. As a result, authentication does not take place at the location of the OS as is the case with the present invention. More particularly, the OS 64, the authentication database 68 and the gateway 62 of the DeSchrijver system are not all resident at the same chassis, which would be a requirement of a device.

Additionally, any attempt to combine the King reference with the DeSchrijver reference would result in an inoperable assembly in that the only references to an authenticator in the King reference are a cryptographic controller resident on the mobile device that connects to the wireless network (Col. 4 lines 24-32 and claim 23) and computer program code for exchanging security information Col. 4 lines 47-58). In order to combine these references, the mobile device of DeSchrijver would have to be configured with a cryptographic controller or comparable computer program code. Unfortunately, due to the nature of the secure information handled by the DeSchrijver system (e.g., credit card, biometric indicators, etc) it would be unfeasible to have the authentication operation take place on the mobile device itself. In fact, the type of information involved, by its very nature, would have to be housed on a remote server 68 as indicated in the DeSchrijver reference. It is for this reason that the references are not combinable. However, even if combinable, the authentication performed by King does not include network access security but involves rather data security only.

Independent Claims 10, 19 and 23 of the present application are drawn to a system comprising a wireless provisioning device, a carrier structure, wireless access points and an authentication protocol initiated

at the wireless provisioning device. As discussed previously, DeSchrijver and King do not describe or suggest a device capable of providing the functions of a wireless provisioning device, but rather attempt to emulate certain of these functions through multiple devices. As stated at page 23 lines 18-20 of Applicants application specification, "[w]ithout the wireless provisioning device, two separate wireless infrastructures would have to be erected to satisfy all types of customers." This is in part why the DeSchrijver and King systems require several devices to achieve just a portion of the functionality provided by the wireless provisioning device.

Even when attempting to combine the reference to comprise the systemic application of independent claims 10, 19 and 23, the same limitations surface. The wireless provisioning device of the present application would preferably be configured at about the same location as the network gateway 206 of the King reference and gateway 62 of the DeSchrijver reference but serves a much more fundamental function. At column 6 lines 18-27, DeSchrijver states that "the primary function of the network gateway 206 is to receive data requests from the mobile communications devices 202A and 202B via the carrier networks 204A and 204B, respectively, and convert them into Hyper Text Transfer Protocol (HTTP) requests for use with the Internet 208." The King reference, at Column 5, line 63 - Column 6, line 3, describes its gateway as sitting "between the wireless communications device 14 and a server 64. The gateway 62 can be a wireless network to IP network gateway suitable for coupling the wireless communication device 14 to a package switched network such as the Internet."

It is clear from these disclosures that DeSchrijver and King have incompatible purposes for the gateway portion of their respective systems. There is no teaching present in either reference to suggest that the gateway or equivalent point of mobile device connection is configurable to serve as the point of network security. Granted, King discloses that encrypted messages may be transmitted between the network gateway 206 and the mobile device however, it does not suggest that network gateway 206 is responsible for policing the authorization of

the connection in the first place. Additionally, due to the requirement of a plurality of connections between the network gateway 206 and the carrier networks, the King system is sure to experience connection disruptions as the mobile device user moves between carrier networks, unlike the present invention, which allows the mobile device user to transition carrier structures without connection disruption.

Again, neither King nor DeSchrijver individually or collectively describe or suggest a system where the gateway provides the authentication function, channel controlling function, packet-switched interface, operating system, processor or the wireless and network cards configured in the same location. Moreover, the carrier networks 204A and 204B of the King reference initiate the secure connection with the network gateway 206 and are connected to the mobile devices, while with the present invention, the wireless provisioning device makes direct secure connections with the mobile devices.

From the foregoing discussion, it is clear that DeSchrijver and King do not describe or suggest a wireless provisioning device capable authentication and network access nor do they disclose a system comprising such a device. Conversely, these are features of the wireless provisioning device and system of the present claims. Thus, it is respectfully submitted that Claim 1, 7, 10, 19 and 23 are not unpatentably obvious over DeSchrijver in view of King and are, therefore, in condition for allowance. Claims 2-6, 8-9, 12-18, 20, 22 and 24-29, depend, either directly or indirectly, from Claim 1, and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent Claims 2-6, 8-9, 12-18, 20, 22 and 24-29 also not unpatentably obvious over DeSchrijver in view of King and are, therefore, also in condition for allowance.

Objection to Claims 11 and 21, Allowable Subject Matter


In the Office Action, Claims 11 and 21 were objected to as being dependent upon a rejected base claim, but were indicated allowable if re-written in independent form. By the foregoing amendment, Claims 11 and 21 have been rewritten in independent form to include all

of the limitations of the base claim from which these claims depended. Therefore, it is respectfully submitted that Claims 11 and 21, as amended are in condition for allowance. Applicants respectfully point out that Examiner Nguyen in the October 21, 2001 Office Action stated that claims 7, 19 and 23 would be allowable if rewritten in independent form. Applicants complied in the response to that Office action, and without findings in this Office Action to the contrary, respectfully request that the examiner deem claims 7, 19 and 23 as allowable as well. As a result, applicants submit that claims 7, 11, 19, 21 and 23 are in condition for allowance.

For the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted

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